

Decision No. 13072

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

—○○—

In the matter of the application of the County of Tulare for permission to construct a crossing of a public highway over a railroad of the Southern Pacific Railroad Company and the Southern Pacific Company on the North line of Section 16, in Township 19 South, Range 24 East, Mt. Diablo Base and Meridian.

Application No. 9444.

ORIGINAL

BY THE COMMISSION:

O R D E R

Board of Supervisors of the County of Tulare, State of California, having on October 13, 1923 filed with the Commission an application for permission to construct a public road at grade across the tracks of the Southern Pacific Company on the north line of Section 16, Township 19 South, Range 24 East, M.D.B. & M. in said County, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Southern Pacific Company has signified by letter that it has no objections to the construction of said crossing at grade providing the crossing near the middle of Tagus yard be closed; the County having signified by letter that it is agreeable to the closing of said crossing, and it further appearing that it is not reasonable nor

practicable to avoid a grade crossing with said tracks and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Tulare, State of California, to construct a county road at grade across track of the Southern Pacific Company, described as follows:

Commencing 1.4 feet east of the north quarter corner of Section 16, in Township 19 South, Range 24 East, Mt. Diablo Base and Meridian, and running thence South  $27^{\circ} 53'$  East, 22.58 feet; thence east 113.1 feet thence North  $27^{\circ} 53'$  West, 45.16 feet; thence West 113.1 feet, and thence South  $27^{\circ} 53'$ , 2258 feet to the point of beginning.

All of the above as shown by the map (Exhibits "A" and "B") attached to the application, said crossing to be constructed subject the following conditions, namely:-

(1) The entire expense of constructing the crossing, shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of approximately sixty (60) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The existing public crossing in the middle of the railroad yard and about one-quarter of a mile southeast of the private crossing serving the Tagus Ranch shall be legally aban-

done and effectively closed to public use and travel.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective three (3) days from the making thereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of January, 1924.

C. S. Seaver  
James M. Martin  
J. F. Whittsey  
Commissioners.